

The Herald and News.

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NEWBERRY, S. C., TUESDAY, JULY 9, 1907.

TWICE A WEEK, \$1.50 A YEAR

PENSION FRAUD CASE.

Indictment Against Four Colleton Men Quashed.—The Case was Well Known.

At this session of the court the now famous pension fraud case of Colleton county was called for trial. This case has attracted considerable attention and much interest has been shown in the conclusion. It was generally known that it would be called for trial, and in consequence the court room was crowded. The decision of the court dismissing the case seems to meet with commendation on the ground that the state, through its legally constituted officers, had agreed upon a settlement, and had, therefore, no right to again bring an indictment against the defendants.

A short history of the case will not be uninteresting. The defendants were G. J. Varn, Henry J. DuBois, C. W. Ulmer and P. M. Varn, and the indictment alleges that in January, 1901, they conspired together to obtain from E. R. McTeer, then clerk of court, a sum of money from the pension fund of the county, through forgery and false pretensions, that is, forging the names of persons not living and obtaining pensions for them. They succeeded in obtaining in this manner the sum of \$423.68. This fraud was not discovered till the early part of the year 1905, when Capt. H. D. Padgett, who had succeeded Clerk of Court McTeer in office, was paying out the pension funds for that year. He reported this fact of the alleged fraud to the solicitor St. Julien Jervey, who preferred bills of indictment at the July term of court in 1905. The grand jury returned true bills against the defendants named above. The case was continued at the fall term of court, 1905, on account of the illness of one of the defendants.

At the spring term of court, 1906, the solicitor received a letter from the county board of pensioners, requesting him to enter a nolle prosequi, for the reason that the defendants had paid back the full sum of \$423.68, and that they believed it would be for the best interests of the county and all concerned if the solicitor would consent to nolle prosequi the case. This he agreed to do.

The grand jury a few days later handed in a presentment that was quite sensational. They presented the solicitor and every member of the county board of pensioners for agreeing to settle this case, and representing every defendant. The solicitor did not make out any new bills at that time.

Subsequently to this the comptroller general called Solicitor Jervey to Columbia and, by his advice, the solicitor again in June, 1906, handed the grand jury new indictments and they returned true bills. At the fall term the case was again continued on account of the illness of one of counsel. No court was held in March this year, owing to a defect in the drawing of the jury.

When the case was called this morning Mr. W. B. Gruber, of counsel for the defence, made a motion to quash the indictment on the ground that it was not specific enough in detail.

Judge Gary held that the indictment was sufficient enough, charging general conspiracy, fraudulently to obtain public funds.

The defendants were then arraigned and G. J. Varn pleaded not guilty, and counsel for defendants entered a special plea in bar, setting out the facts of the compromise agreement between the county board of pensioners, the solicitor and the defendants. They argued that the state, through its legally constituted officers, had accepted the payment of this money, and that the case, because of this agreement, had been not prosequi, and that it would be acting in bad faith to again bring suit, after the defendants had complied with the requirements of the state as expressed through its legally constituted officers. This plea, with some changes agreed to by the counsel for both sides, was argued by Mr. Gruber and Solicitor Jervey, who briefly recited the history of the case.

Judge Gary then rendered his decision, sustaining the plea and dismissing the case. He said he did not

believe from a strictly legal point of view that he would be justified in dismissing the case, but that in equity it would not be right for the state to receive this money from the defendants and then prosecute them, that he took this view of the case. The following are his concluding words, which express the general opinion of those present: "The compromise of these cases does not meet with my approval even though I grant this motion, because the effort to rob an old Confederate soldier of the little pittance the state gives him ought to have met with more serious and severe condemnation and punishment than is represented by the amount of money which the defendants paid to the state."

WHY HE RESIGNED.

Report That Capt. Clay Decided to Leave Clemson Because of Insubordinate Behavior of Senior Class.

Greenville News.

The resignation of Captain Clay as commandant of cadets at Clemson College is a very unpleasant surprise to the friends of the institution all over South Carolina. Just why the United States army officer decided to leave the institution has never been clearly explained, but it has been intimated that the behavior of the senior class during commencement had a great deal to do with Captain Clay's determination to leave the college.

The senior cadets, it seems, were having a good time and Captain Clay objected to their behavior. He is said to have ordered the young men to their rooms and they ignored his authority and treated him with little or no regard. Captain Clay is an army officer. He was sent to Clemson to maintain military discipline there, and it is said that when he found that he could not enforce the order he deemed necessary, he decided to withdraw. It has been intimated that the resignation of Captain Clay may result in the permanent withdrawal of army officers and federal aid from Clemson College. This would mean that the institution would lose the use of the arms now in its possession as well as the services of a regular army officer as professor of military tactics and commandant of the college. The loss to Clemson would be very serious indeed.

That such a course will not prove necessary is to be hoped, but a friend of the institution said that he was apprehensive as to the outcome and very sorry that Captain Clay would not be there another term.

Col. M. L. Donaldson, a member of the board of trustees, was asked about Captain Clay's resignation, but he declined to say anything further than that it was fact that the commandant had resigned. The matter would come up, he said, at the next meeting of the board.

Card of Thanks.

I wish to extend to my friends and neighbors my hearty appreciation and thanks for the valuable aid given me during the illness and death of my wife. Words fail to express my appreciation and I feel I cannot repay them but commend them unto Him who can do all things.

Sincerely,
J. W. Hartman.

Teacher Wanted.

The trustees of Hartford school will meet on Saturday, July 13 at 3 o'clock p. m. for the purpose of electing a teacher. Salary \$50 per month. Session 8 or 9 months.

J. C. Hipp.

P. M. Hawkins,

Trustees.

Notice.

All farmers and business men of Newberry county are requested to meet at the court house on July 15th. There will be addresses by Messrs. E. D. Smith, F. H. Hyatt and F. H. Weston.

R. T. C. Hunter.

Occasionally there is a man wise enough to think poetry without writing it.

A VERSE THAT STICKS.

Once You Read, "She's The Only Girl I Love," You Can't Forget It.

"Speaking of poetry," said a gentleman in Newberry yesterday, "have you noticed the prominence which the newspapers throughout the country are giving the little verse:

"She's the only girl I love;
Has a face like a horse and buggy;
I met her leaning on the lake—
Oh, fireman, save me child."

"It is being discussed from one end of the country to the other, as it deserves to be. There is something peculiar in that little verse. It was several years ago that I first noticed it, in some newspaper. And since that time I haven't been able to get it out of my head. Some newspaper man had got it off at a banquet somewhere—I have forgot how it came into existence—I think it was Editor Walker Kennedy, of Tennessee, who gave it birth—but the verse itself will not out. I knew that some day its literary merit would be recognized, and I prophesied it, and now it has come to pass. I am glad. And I hope those to whose attention it is now being brought by the press of the country will be as much delighted with it as I was when I first saw it; and—it may be mean—but I hope it will stay with them as long as it did with me.

"I noticed in the Charlotte Observer several days ago that a professor up there in Charlotte was walking around the streets in an absent-minded manner, occasionally leaning against a telephone pole, and with a far-away expression in his eyes, softly repeating:

"She's the only girl I love;
Has a face like a horse and buggy,"

And I was glad, with the great gladness that comes to a man on a railway train who has slept while the train passed his station and carried him on, and then finds that somebody else, in some way, has also passed the station and must get back to that station immediately, and sooner.

"The verse struck my fancy as soon as I saw it, and then—it was all up with me. If the city of Newberry had been offered me to forget it, I couldn't have forgot it. On my way home that night, I found myself repeating:

"I met her leaning on the lake—
Oh, fireman, save me child."

"But on my way home that night, little did I dream what trouble it was to get me in before the dawn of another day. I thought that when I managed to get to sleep, it would vanish, as does a popular tune which one can't help humming for awhile sometimes. I thought my wife would make fun of the little verse, and so, with great effort, I managed not to let her hear me repeating it before bed-time. Had I known then what was coming during the night, I would have recited to her the poem, and its history, and everything I know about it.

"Some time during the night, in my sleep, I commenced repeating that verse. I don't know whether I got any further than the first line or not; but I have good cause to believe that the first line came from my lips:

"She's the only girl I love!"

And my wife heard it. And what happened next I haven't been able to forget, either, though I have tried as hard to forget it, as I have tried to forget the verse. And I am not going to tell you about it, either," said the Newberrian; "because," he continued, "it's none of your business. And don't you ever mention it to me, either.

"That was some years ago. I thought then that I had got clear of it, or had it frozen in me so hard that it wouldn't thaw during my life time. But next morning it was with me again, and, during my busiest moments, it would rush through my mind and I would find my mind off my work, and I would be softly repeating:

"She's the only girl I love.

NEWS OF PROSPERITY.

The First Cotton Blooms—Buggies "Gone Up"—Sudden Death.

Prosperity, July 8.—Buggies have certainly gone "up" very much lately. They have made such leaps and bounds, that one of them, a beautiful surrey, has landed on top of Quattlebaum & Langford's barn right on the comb. This is a very novel advertisement.

I note that you were bragging, Mr. Editor, of the cotton blooms that you had received, but I want to say that the first bloom that was sent to your correspondent was on the 28th of June, and was sent by Mr. S. J. Kohn and on the 29th we got two more from different sections, one from Milus Koon, of Pomaria, and the other from Mr. G. H. Livingston, of the Saluda river section, near O'Neill.

Miss Marie Bobb left on Friday for an extended trip to Wilmington, N. C., and the Jamestown Exposition.

Mrs. Caroline Boland died suddenly Saturday night of heart failure. She was in town on Saturday and seemed to be as well as usual. She will be buried today (Monday) in Prosperity cemetery.

We were sorry that our notes did not get in the Friday's issue but all that will do you will please put in Tuesday's paper.

Prosperity News.

Prosperity, July 8.—Miss Lillie May Russell spent last week in Columbia. Miss May Lee Barre has returned from a visit to her sister, Mrs. K. Baker, at Greenwood.

Mrs. J. F. Browne and little Elizabeth have returned from their visit to Johnston.

Messrs. J. F. Browne and H. C. Moseley attended the meeting of the bankers in Charleston last week.

The Masonic picnic will be given by Amity and Prosperity lodges on July 25th. The lodges at Whitmire and Peak have been invited. Prominent speakers will make addresses.

Your correspondent learns that in the vicinity of Mr. Amos Conwill, there was a severe hail storm, completely destroyed his crop. Mr. J. M. Hawkins and others have suffered some, but not to the extent of Mr. Conwill.

Miss Lucy Wheeler is visiting in Kinards this week.

Miss Mamie Counts returned on Wednesday from the Agnes Scott College, Atlanta.

Mr. S. C. Lybrand and family visited the home folks in Lexington county last week.

Mr. E. B. Bedenbaugh has returned to Atlanta. Mrs. Bedenbaugh will spend some time at the Rev. Z. W. Bedenbaugh's.

The summer school at St. Luke's will open Monday. Miss Carrie Hunter is principal.

Mrs. C. G. Barrier has been visiting in Little Mountain.

Rev. Mr. Orr's meetings are well attended. Some of the stores close, for all have to attend them. We feel sure that much good is being done. There will be a special meeting for men on Monday night.

Miss Louise Fulmer, of Little Mountain, is visiting her aunts, Mrs. Barrier and Mrs. S. J. Kohn.

Miss Janie Chalmers, Dr. and Mrs. Brown, Rev. D. G. Phillips, Mr. B. F. Cannon, and Mr. and Mrs. J. H. Hunter have been in attendance upon the Orr meetings.

Dr. and Mrs. G. T. Pugh are at Mr. W. P. Pugh's for the summer.

Dr. Littlejohn, of Pacolet, has been over for a few days.

Our little friend, Henry Quattlebaum, has been visiting his aunt, Miss Jo. Langford in Spartanburg.

Mr. and Mrs. Dave Langford, of

Has a face like a horse and buggy;
I met her leaning on the lake—
Oh, fireman, save me child."

"And it has been that way with me from that day even until now. And that's all I had to say. I wouldn't have mentioned it at all, except for the recent discussions in the Charlotte Observer, the Columbia State, the Norfolk papers, the Charleston papers and others that I have noticed."

Newberry have been on a visit to Mr. and Mrs. W. A. Moseley.

Mrs. M. C. Morris is visiting the paternal roof at Lykesland.

Miss Myrtle Beacham, of Greenwood, will stop over on her journey from Bowman, S. C., with Miss Edna Fellers on Friday.

Mr. and Mrs. W. P. Blanton, of Graniteville, are visiting Mrs. Blanton's father, Mr. A. A. Nates.

Mrs. G. Y. Hunter, Misses Erin Kohn, Gertrude Simpson and Lilla Kibler are attending the Mission Conference in Asheville, N. C., this week.

Dr. E. N. Kibler, is attending the state Dental association in Anderson this week.

Mrs. P. L. Rikard and little son, Kibler of Atlanta, are visiting Mrs. Rikard's father, Mr. A. M. Counts.

Mr. Robt. Hunter has returned from the Citadel.

Prof. J. E. Hunter, of Clemson, is at home for the summer vacation.

Miss Carrie Hunter's school having closed, she will spend the vacation at home.

Mrs. T. D. Copeland is visiting her parents.

Mr. and Mrs. Carper Kreps are at Pastor Kreps' for their vacation.

Quite a jolly crowd had a nice little picnic trip to Little Mountain Wednesday. Among the party were Misses Addie and Ellen Werts, Miss Joyner, Miss Tolier, Messrs Birge Wise, Hart Kohn, W. B. Wise, Geo. Harmon, Jno. Jat Wise, Mrs. C. M. Harmon.

Mrs. Kate Monts has returned to her home, after a visit to relatives at Prosperity and Dyson.

Col. W. B. Wise, one of the ubiquitous Knights of the Grip, is spending a well earned vacation in town.

Messrs. J. L. Wise and Birge Wise have returned from a business trip to Savannah.

Contracts have been let for the building material of the new Lutheran church and work is expected to begin August 1st.

THE ARMSTRONG CASE.

Warrant Sworn Out For Dentist Charging Him With Illegal Extraction.

At the meeting of the State Dentist association, held at Anderson last week, the case of C. C. Armstrong, who was tried for murder at the last term of court here, charged with killing Mrs. Carrie Berry by injecting poison into her gums while extracting teeth, and who was acquitted, was taken up and considered by the association. The following is from the Anderson correspondent of the Columbia State:

The matter of C. C. Armstrong, the alleged dentist, injecting poisonous fluids in the gums of a woman in Newberry recently, from the effects of which fluid the woman died, was brought up before the committee and it was resolved that a warrant be sworn out for Armstrong charging him with illegal extraction. The warrant has been placed in the hands of Sheriff Green of this county. It is recalled that Armstrong was tried in the court of general sessions for murder in Newberry county and was acquitted of the charge.

In connection with the above matter, the following resolution was adopted:

"Resolved, That it is unlawful for any member of this association to employ any one in his office or practice who is an illegal practitioner or has not a license to practice dentistry in South Carolina.

"Resolved, further, That this association will withdraw membership from any dentist guilty of such conduct."

Mr. Armstrong was in Newberry on the fourth of July enjoying the festivities of the occasion with his friends.

First Class Meat Market.

Mr. J. A. Wright has opened a first class meat market in Friend street, next door to the Observer office. The market is fitted up with all modern conveniences, and what is one of the most important things in a meat market, it is as clean as a living room. Mr. Wright will give prompt attention to all orders, and will serve his customers well.

PROGRAM.

Interdenominational Sunday School Convention of Newberry County.

Following is the program of the Interdenominational Sunday school convention of Newberry county at Bush river church, July 25th and 26th:

First Day.

10.30 a. m.—Song service; devotional exercises by Rev. J. T. Miller. Enrollment of delegates.

Appointing committees. Topic: The relation of the pastor to the Sunday school, by Rev. D. G. Phillips and Mr. J. R. McKittrick.

Report from the state convention by Dr. W. E. Pelham.

Question box. Intermission. Questions answered.

Topic: The importance of and how a teacher's meeting should be conducted, by Dr. Geo. B. Cromer and Mr. H. M. Berry.

Topic: The relation of the teacher to the scholar outside of the classroom, by Rev. J. J. Long and Prof. L. O. Counts.

Second Day.

10 a. m.—Devotional exercises and song service, by Mr. Jas. F. Epting.

Topic: The teacher as a soul winner, by Rev. B. P. Mitchell and Mr. Jno. C. Goggans.

Topic: The value of the cradle roll in Sunday school, by Rev. R. L. Latimer and Mrs. M. A. Carlisle.

Topic: The home department of the Sunday school, by Jas. F. Epting. Appointing committees and raising pledges.

Intermission. Topic: Classifying the school, by Rev. J. F. Cason and Col. W. H. Hunt.

Topic: How to reach the unreached in the school, by Rev. L. B. White and Mr. A. H. Kohn.

Election of officers. Election of delegates to the state convention.

Miscellaneous business. Adjournment.

FOUR YOUNG LADIES HELD UP.

At Pistol's Point Stranger Forces Them to Obey Command—Fortunately They are Unharmed.

Bamberg, July 6.—About dusk yesterday evening four young ladies, three of them sisters, were strolling on the outskirts of the town when suddenly they were accosted by a white man who threw a revolver upon them, commanding that they follow him to the edge of the woods. Upon reaching a ditch he gave a further command that they take off their shoes and go in wading. About this time one of the young ladies fainted and another made an outcry, whereupon the unknown man took to the woods.

The alarm was soon given and a search was instituted for the stranger. Bloodhounds were put on the trail and he was tracked for several miles. The dogs having lost the trail apparently because the stranger took a buggy, the searchers secured vehicles and at a late hour tonight the search is being continued.

The man was apparently about 30 years old, tall, of dark complexion and clean shaven.

Several incidents have occurred here recently which lead people to believe that there is an insane man in the community.

Barbecue.

We will give a first class barbecue at the residence of D. E. Halfacre, near St. Phillips church, six and a half miles east of Newberry, July 18. Music will be furnished by the Jolly Street band for all the young people who desire to dance. The gun clubs of the county are also invited to be with us on that day. The public is cordially invited to attend, and a good dinner is guaranteed.

Admission for gentlemen, 40 cents; ladies, 35 cents.

Halfacre & Kibler.

The more a woman talks to a man the less he is inclined to sit up and take notice.